

Introduced by Senator MargettFebruary 21, 2002

An act relating to criminal procedure, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 1690, as introduced, Margett. Criminal procedure: persons committed to medical facilities: study.

Existing law establishes procedures for determining a person found guilty by reason of insanity has been restored to sanity, and procedures for placing persons who have been committed to medical institutions by criminal procedures to obtain outpatient status.

This bill would direct the State Department of Mental Health to undertake a study regarding the financial effect on counties of changing some of these procedures in prescribed ways. This bill would require a report to the Legislature not later than January 1, 2003.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The State Department of Health Services
- 2 shall undertake a study to determine the fiscal effects on counties
- 3 if the following are implemented in the cases of persons accused
- 4 of committing a violent crime that results in death or great bodily
- 5 injury and are found not guilty by reason of insanity, and who are
- 6 filing an application for restoration of sanity:



1 (1) The minimum time for inpatient status is increased from
2 180 days to 365 days.

3 (2) A requirement that the local mental health director concur
4 in the restoration of sanity.

5 (3) A requirement that a patient cooperate while in outpatient
6 treatment.

7 (4) An increase in the current one year time period for filing an
8 application for a restoration of sanity hearing after a denial to five
9 years.

10 (b) The department shall issue the report of the findings of the
11 study to the Legislature not later than January 1, 2003.

12 SEC. 2. This act is an urgency statute necessary for the
13 immediate preservation of the public peace, health, or safety
14 within the meaning of Article IV of the Constitution and shall go
15 into immediate effect. The facts constituting the necessity are:

16 In order to facilitate the most effective implementation of
17 procedures regarding outpatient and restoration of sanity
18 procedures, it is necessary that this act take immediate effect.

